IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 25325 of 1999

Between:

A. Malla Goud, S/o Balraj Goud,

R/o Bhanipet, Machareddy Mandal,

Nizamabad District.

... PETITIONER

AND

1. The Government of A.p. rep. By its Secretary

for Home, Secretariat, Hyderabad.

2. The Commissioner of Excise, Government of A.P, J.N. Road

Hyderabad.

3. The Excise Superintendent, Nizamabad.

4. The District Collector, Nizamabad.

... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order of direction, in the nature of a Writ, declaring the action of the respondents in demanding the excise arrears of the year 1989-90 from the petitioner in respect of shop at Bhavanipet, Machareddy Mandal, Nizamabad District, without disposing of the representation

filed by the petitioner and even without notice, as highly illegal, arbitrary, unjust and violative of the principles of natural justice and to direct the respondents not to demand the same pending disposal of the representation filed by the petitioner and to pass such other order or orders as are necessary in the interests of Justice.

For the Petitioner: MR.J.V.PRASAD, Advocate.

For the Respondent No.: GP FOR PROHIBITION & EXCISE

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 26863 of 1999

Between:

K. Balraj Goud, S/o Narsa Goud

Aged 56 years, Excise Contractor,

R/o Machareddy Post and Mandal,

Nizamabad District.

... PETITIONER

AND

1. The Government of A.p. rep. By its Secretary

for Home, Secretariat, Hyderabad.

2. The Commissioner of Excise, Government of A.P, J.N. Road

Hyderabad.

3. The Excise Superintendent, Nizamabad.

4. The District Collector, Nizamabad.

... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order of direction, in the nature of a Writ, declaring the action of the respondents in demanding the excise arrears of the year 1989-90 from the petitioner in respect of three shops at Ghanapur, Machareddy Mandal, Nizamabad District, without disposing of the representation filed by the petitioner and even without notice, as highly illegal, arbitrary, unjust and violative of the principles of natural justice and to direct the respondents not to demand the same pending disposal of the representation filed by the petitioner and to pass such other order or orders as are necessary in the interests of Justice.

For the Petitioner: MR.J.V.PRASAD, Advocate.

For the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following Order:

W.P.NOS.25325 AND 26863 OF 1999

COMMON ORDER:

In view of disposal of Writ Petition No.23416 of 1999 and batch dated 25.06.2004 these writ petitions can also be disposed of. Unless the liability of the petitioners is determined the respondents shall not recover the amounts from the petitioners towards privilege fee and issue price for unlifted stocks of arrack.

Following the same and the reasons mentioned therein, these writ petitions are disposed of. No costs.

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(A.GOPAL REDDY, J)

June 25, 2004

Dsk

Copy to:

1. The Government of A.p. rep. By its Secretary

for Home, Secretariat, Hyderabad.

2. The Commissioner of Excise, Government of A.P, J.N. Road

Hyderabad.

3. The Excise Superintendent, Nizamabad.

4. The District Collector, Nizamabad.

5. Two C.C.s to the G.P for Prohibition and Excise, High Court Buildings,

Hyderabad. (OUT)

6. Two C.D. Copies.